

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.2751 of 2017 (O&M)
Date of decision: February 14, 2017

Jaswant Singh

---Petitioner

Versus

State of Haryana and others

---Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This petition has been filed for cancellation of the pre-arrest bail granted to respondents No.2 to 9 vide order dated 26.12.2016 of Additional Sessions Judge-I, Bhiwani in case FIR No.261 dated 29.11.2016, under Sections 147, 149, 186, 332, 34, 342, 353, 427, 506 IPC and 3 PDPP Act, registered at Police Station Bound Kalan.

The petitioner is Principal of Government Senior Secondary School, Achina, District Bhiwani. One Sanjay, a teacher in the said school was involved in case FIR No.149 dated 18.07.2016, under Section 6 of Protection of Children from Sexual Offence Act (for short 'the POCSO Act') registered at Police Station Bound Kalan, District Bhiwani for molesting a student aged about 14 years. The petitioner being the Principal of that school was booked under Section 21 of the POSCO Act. Challan in this matter has been presented and the case is fixed for consideration of charge.

On the allegation that respondents No. 2 to 9 were part of a mob consisting of about 200 to 250 people, who being enraged at the alleged molestation of the child entered the school forcefully and beat up the petitioner and illegally confined him in his office and also damaged school property, the petitioner filed a criminal complaint whereupon the Ld. Magistrate, directed the Police to register the FIR against respondents No.2 to 9. They were granted anticipatory bail vide order dated 26.12.2016. In his order the learned Additional Sessions Judge, recorded that in the reply filed by the Police, it was stated that in the investigation no evidence was found against them. As nothing was to be recovered from their possession, their anticipatory bail applications were allowed.

Learned counsel for the petitioner argued that in allowing the anticipatory bail application, the Court failed to consider the seriousness of the issue and the fact that respondents No.2 to 9 had created terror in the school, they had detained the petitioner, beaten him and also damaged some record of the school. He also argued that the social impact of the incident has also not been considered while granting anticipatory bail. He argued that the pre-arrest bail be cancelled.

Having heard learned counsel for the petitioner, I feel no ground for cancellation of the anticipatory bail is made out. There is nothing on record nor has it been pointed out that there has been any interference or attempt to interfere with the administration of justice by the respondents. Further, it has not been argued that the concession granted to them has been abused in any manner. No supervening circumstances have been pointed out to justify the cancellation of the

Thus, as there are no cogent or convincing reasons to interfere with the judicial discretion exercised by learned Additional Sessions Judge while granting anticipatory bail this petition is dismissed.

February 14, 2017

**(HARINDER SINGH SIDHU)
JUDGE**

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No